

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL P. & SHELLIE GILMOR, et al.,)	
)	Case No. 4:10-cv-0189-ODS
Plaintiffs,)	
)	
v.)	
)	
PREFERRED CREDIT CORPORATION,)	
et al.,)	
Defendants.)	
)	

**SOVEREIGN BANK’S RESPONSE TO PLAINTIFFS’
MOTION TO AMEND SCHEDULING ORDER**

Sovereign Bank hereby responds to Plaintiffs’ Motion to Amend Scheduling Order (“Motion to Amend”). Plaintiffs suggest that the “current status of discovery,” including discovery that Sovereign timely responded to on January 5, 2011, without any extension, should serve as a basis to extend the deadline for plaintiffs to file motions to add defendants. Pl. Motion at p. 3. Plaintiffs fail to inform the Court that Plaintiffs did not serve *any* discovery requests on Sovereign until December 3, 2010. *See* Doc. No. 111. Sovereign provided timely written responses, including any objections, on January 5, 2010, Doc. 167, and supplied Plaintiffs with, among other things, copies of any relevant loan files, payment histories and purchase agreements within its possession. Plaintiffs have raised no issue with respect to Sovereign’s responses and it is entirely inappropriate for Plaintiffs to suggest to this Court that a discovery issue exists with regard to Sovereign when no such issue has been raised. Plaintiffs’ vague assertions notwithstanding, Plaintiffs have made no legitimate showing that any good cause exists to extend the deadlines as they pertain to Sovereign (or numerous other defendants). Plaintiffs made no showing that any “additional assignees” need to be joined in the case as to the few loans purchased by Sovereign. Absent any such showing, Plaintiffs should be held to the existing

deadlines. Sovereign has adhered to the deadlines established by the Federal Rules of Civil Procedure and this Court's Orders. Plaintiff should be held to the same requirements. To the extent that individual exceptions are necessary as to other defendants, the Court may exercise its discretion as necessary on an individual basis. Sovereign should not be required to endure repeated extensions of pretrial deadlines where no good cause is shown by Plaintiffs as to Sovereign.

Respectfully submitted,

Rasmussen, Willis, Dickey & Moore, L.L.P.

Dated: January 24, 2011

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed electronically with the Clerk of the United States District Court for the Western District of Missouri, Western Division, this 24th day of January, 2011, with notice of case activity to be generated and sent electronically to all designated persons.

/s/ Randolph G. Willis
An Attorney for Sovereign Bank